

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to the definition of “vertical infrastructure”

The Department of Transportation hereby amends Chapter 180, “Public Improvement Quotation Process for Governmental Entities for Vertical Infrastructure,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 307.12 and 314.1A.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 26.2.

Purpose and Summary

This rule making updates Chapter 180 to comply with 2020 Iowa Acts, House File 2412, which made changes to the definition of “public improvement” within Iowa Code section 26.2 to amend the exclusions included within the definition. This rule making modifies the definition of “vertical infrastructure” to be consistent with House File 2412 and all of the other exclusions included within the definition of “public improvement.”

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 13, 2021, as **ARC 5375C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on February 17, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 14, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule 761—180.2(314) as follows:

761—180.2(314) Contact information. Questions regarding this chapter may be directed to the Office of Support Services Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; telephone (515)239-1299.

ITEM 2. Amend rule **761—180.3(26,314)**, definition of “Vertical infrastructure,” as follows:

“*Vertical infrastructure*” means buildings, all appurtenant structures, utilities, incidental street improvements including sidewalks, site development features, recreational trails, and parking facilities. Vertical infrastructure does not include any work constructed in conjunction with ~~or ancillary to highway, street, bridge or culvert projects, including but not limited to utilities and sidewalks~~ those matters excluded from the definition of “public improvement” in Iowa Code section 26.2(3) “b”(1) to (6).

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/10/21.